

Al Farouq

The Criterion

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Honouring the Sacred Month of RAMADAAN

**HE WHO FASTS IN
RAMADAAN WITH FAITH
AND HOPE FOR RE-
WARD, ALL HIS PAST
SINS ARE FORGIVEN**

Saheeh Bukhaari

The Muslim Ummah has once again been blessed with the Auspicious Month of Ramadaan. It is only the infinite Grace and Eternal Mercy of Allah Ta'ala, that he allows his servants to annually benefit from the Blessings and Spiritual Effulgence of Ramadaan. When the Month of Ramadaan arrives, it brings with it Maghfirat (forgiveness), Rahmat (Mercy), Freedom from Jahaanum, Admission into Jannat, increase in rizq (sustenance), closeness to Allah Ta'ala, Roohaani (Spiritual) vitality, and strengthening of iemaan. During Ramadaan Muslims become more attached to their Deen and their Quran, and the urge to perform good deeds is dominant in their lives. No Muslim with the least iemaan will fail to be affected by the Divine Munificence that pervades every moment of this wonderful month. However, to fully realize our spiritual potential and ability in this month, and to really reap the fabulous rewards of Ramadaan, we need to fulfill its rights. For this a certain degree of sacrifice is required.

THE RIGHTS OF RAMADAAN

Ramadaan has prescribed huqooq (rights) over every Muslim, male or female, child or adult. If these rights are violated or neglected, the individual fails to achieve the immense benefits of this month. Sometimes we wonder why people go back to their old ways after Ramadaan, or become worse after Ramadaan than what they were before, or remain in the same spiritual frame without an iota of change. This state of affairs can be attributed to failure to fulfill the Rights of this month, or total abandonment of these rights.

Hazrat Abu Saeed Khudri (radhiyallahu anhu) reports that The Messenger of Allah sallallahu alayhi wasallam said: *"He who fasts in Ramadaan, recognizes its limits, and safeguards that which has to be safeguarded of this month, it (Ramadaan) will wipe out all past sins."* (Durr-e-Manthoor, from Bayhaqi) In the words of another hadith, such a person emerges from sin like a new

born baby. This underscores the potent cleansing power of Ramadaan, and the tremendous spiritual revitalization that it creates within the Muslim. But such benefits only come when one has recognised the limits and restrictions of the month and has safeguarded its rights. To achieve this is not a monumental task at all, given the favourable climate and benign atmosphere for good that Allah Ta'ala has ordained in Ramadaan. It only needs a little bit of sacrifice from the side of the individual. The moments of Ramadaan have been infused with such amazing blessings that makes the practicing of good deeds very easy. All that is re-

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Questions & Answers

Q : Zaid bought a device from Amar. When Zaid received it he switched it on and it gave a firmware error. (Firmware is a term sometimes used to denote the fixed, usually rather small, programs that internally control various electronic devices. Firmware is always involved with very basic low-level operations in a device, without which the device would be completely non-functional.) Zaid informed Amar of the error message but then it no longer gave the error. However, a short while later the same error occurs. Now the device is rendered totally unusable. Zaid has not yet paid for the device. What is the ruling in this matter?

Can he return it? Is Amar obliged to accept it considering that the error had recurred and was not new? If Zaid has to pay for the repair can he claim from Amar or deduct from the price?

A : The error in that device will be considered a defect in the item. The ruling for defects discovered after the sale is that the buyer can return it for a full refund, or keep it and use as is. But he cannot deduct any sum from the purchase price.

The fact that the error did not recur for a while makes no difference, as long as the initial error was pointed out to the seller. The reason for this is that modern-day electronic devices tend to malfunction at various intervals, and in this case the device has been rendered unusable. This is a valid reason for seeking a refund. Zaid may return it without owing anything. If he decides to keep it, he must pay the full price.

Q : Is carp halaal? What about prawns?

A : Carp is a fish and is, therefore, totally halaal. Prawns are not halaal in the Hanafi math-hab because this is not a fish. In the Hanafi math-hab, only fish among seafood is halaal.

Q : Is it true that 40 makrooh equal one haram?

A : There is no teaching or law in Shariah that says 40 makrooh equal to one haraam. This is false. Yes, the Shariah says that when one commits a minor sin at least three times without making taubah, then that minor sin becomes a major sin.

Q : Is a woman allowed to use a razor to shave pubic hair?

A : A woman is allowed to use a razor to shave hair under the arms and pubic hair.

Q : If a man purchases a house and his wife assists him with half the capital. He registers the house under his name and pays all the expenses. Now the marriage has broken. Is the wife entitled to the amount she originally donated or half the current value of the house?

A : If the agreement between the husband and wife was that she is advancing a loan which he will repay, then she is entitled only to the original loan, and is not a partner in the house. If the understanding was that the house will be owned jointly by the two, then she is a partner and is entitled to half the current value of the house. The fact that

value of the house. The fact that the husband had registered the house on his name only, suggests that it was a loan and not a joint ownership. But it is preferable to ascertain this from the husband. In the event of a dispute between the two, the husband will get the benefit of the doubt and it will be said that the house is solely his and he owes his ex-wife the sum of money she advanced as a loan.

Q : Since I became baaligh I have not read any salah. Now I want to make Qadha but I do not have the first 8 months of my periods marked, how must I make qadha? Will it be permissible to make full 8 months including the 10 days of my periods?

A : If you can remember more or less how many days your periods were, then exclude that number of days every month when making qadhaa. If you can't remember, then make qadhaa for the full 8 months. Any extra qadhaa will be counted as nafl salah for which you will be rewarded. In matters of ibaadat it is better to err on the side of caution.

FINANCIAL INDICATORS	
8 Ramadaan 1439	
Zakaat Nisaab	R4,311.00
Mehr-e-Fatimi	R10,777.00
Minimum Mehr	R216.00
Hanafi Fitrah & Fidyah	R25.00
Shaafi Fitrah	R40.00
Shaafi Fidyah	R10.00

Questions & Answers

(Continued from page 2)

Q: Can I read more than one qadhaa of one particular sa-laah at one time such as three qadhaa of Fajr or four qadhaa of zuhr at one time?

A: Yes, this is permissible.

Q: If a person committed suicide can one go and read quran by the dead body?

A: Yes, to read Quran by a deceased who died through suicide is permissible, as long as this is done after ghusl and kafan.

Q: If I had an operation, must I bury the skin they cut off or can it be burnt with the rest of the body parts?

A: It is not permissible to burn parts of the body. These should be buried. One should try one's best to get the hospital workers to do this, or else ask for the skin and bury it later. If the hospital had already disposed of it then there is no sin on you.

Q: If a woman is in pardah (wearing a niqab) is it permissible for her to converse freely with a non mehram male?

A: Wearing a niqaab is one aspect of pardah. Conversing with males is another. In this, too, there is fitnah, and experience has shown that today even women behind veils end up in illicit relations or commit the actual sin of zinaa. Pardah is a holistic concept that demands total segregation from men barring cases of necessity. Purdah is not only veiling oneself, or donning hijab. Our sisters should exercise special care in this regard.

Q: Is it sunnat or permissible

to raise the hands in dua during the Juma Khutba?

A: To raise the hands in dua during the Juma Khutba is a bid'ah, as mentioned in several Hanafi Fataawa books. It appears in the Book of Imam Tirmizhi that the governor of Iraq, Bishar bin Marwaan once raised his hands in dua during the khutba. A Sahaabi by the name of Umaarah bin Ruwaybah (RA), who was present in the audience, exclaimed: "May Allah destroy these two little hands. I saw Rasoolullah (sallallahu alayhi wasalam) (giving khutba) and he did no more than this (and Umaarah raised his forefinger)" That is, all he raised in the khutba was his finger to make a point or to emphasize something.

Q: Is it permissible to offer condolences to Shias on the death of family members?

A: It is permissible to offer condolences to kuffar upon the death of their loved ones. The Shias are in the same bracket as kuffar; hence, offering condolences to them is permissible. However, there is no need to go out of the way to do so. Such condolences should be offered by neighbours or people living in the same locality as the Shiah who suffered these losses.

Q: Should we condemn the recent killing of a Shiah Imam in Ottawa? Or what should be our attitude?

A: In this country of South Africa killings are, sadly, the order of the day. We seek Allah's protection from such violence and anarchy. We condemn all wanton destruction of human life and

life and property, making no distinction between Muslim or non-Muslim. We don't condemn one crime to the exclusion of so many other atrocities. But, to single out this incident for special and pretentious condolence raises a number of concerns with regards to motive and cause. In matters of this nature our attitude should be one of caution. Allah Ta'ala alone knows the reality and motive behind this episode.

Q: If I was busy with one khatam of the Quran before Ramadaan, now when Ramadaan enters do I start a new khatam or continue with this one?

A: In this case do not start a new khatam. Continue with the one you were busy with and complete it in the Month of Ramadaan.

Q: For certain illnesses a gas is pumped into the rear private part. Does this nullify the fast?

A: Any substance that is introduced into the rear private part will break the fast. In this case one qadha will be necessary.

Q: Is a cell phone contract deductible from one's assets when calculating zakaat?

A: Yes, the money owed on a cell phone contract may be deducted for zakaat purposes.

Q: Are married couples allowed to shower together while fasting?

A: If doing this will not lead to sexual intercourse then it is permissible while fasting. If there is fear that being together in this state will result in the fast breaking, then it is not permissible for spouses to shower together during the day in Ramadaan

Allah Ta'ala knows best

ZAKAAT RELATED MASAAIL

And take from their wealth sadaqah whereby you will cleanse and purify them verse 103, Surah Taubah. From this verse of the Holy Quran we learn that zakaat is a means of purification and cleansing of the soul. Zakaat also purifies the wealth from which it is dispensed. Some important rulings on zakaat are mentioned hereunder.

ZAKAAT ON GOLD AND SILVER

Zakaat is compulsory on any form of gold and silver, such as jewellery, coins, cutlery, etc.

The current market value of the gold and silver must be considered for zakaat calculations. Jewellery must be weighed and appraised by a jeweller to determine its weight and value.

There is no zakaat on diamonds and precious stones, unless these were acquired for the purpose of reselling.

A woman who has gold jewellery to the weight of 87 grams must pay its zakaat even if she does not have cash money. Not having the cash to pay the zakaat does not exempt one from zakaat. In order to execute her zakaat, she can either ask her husband to do it on her behalf, or take a loan from him or from someone else to pay the zakaat, or, as a last resort, sell off some pieces of jewellery to settle her zakaat debt. She can also delay the payment of her zakaat if she has hope of acquiring cash money later on. Zakaat may be paid off in monthly instalments but should be completed before the next zakaat year is up.

If a woman has less than 87 grams of gold in her possession, and has no other nisaab of zakaat (such as silver, cash, stock in trade, etc), then she does not have to pay zakaat on that gold, since she does not possess the full nisaab of zakaat on the commodity in her possession.

Allah Ta'ala knows best

ZAKAAT ON STOCK

When calculating zakaat on stock the trader should value his stock at the current market or wholesale price. This means that the trader should ascertain the price he would pay for such stock had he bought it from the supplier or wholesaler at the very time that he is calculating his zakaat. One should not evaluate stock according to its cost price, nor should evaluation be done according to retail prices.

A manufacturer who produces goods for resale will also value his stock according to market-related prices. Stock in Shariah means any item which was purchased with the intention of reselling. For example, the stock of a doctor or chemist who dispenses medicine will be the medication sold by him. He will calculate zakaat on the medicines in stock. Likewise, the stock of an optician or optometrist will be the frames and other paraphernalia (such as contact lenses) he retails to clients. A dentist who sells dentures, toothbrushes, and other dental accessories will consider these as his stock. Zakaat on stock that is constantly replenished, as in most retail businesses, will be calculated on stock-on-hand in the trader's possession at the end of the twelve Islamic months. Hence, it does not mean that the same stock should remain in one's possession for the entire twelve months.

There is no zakaat on equipment and machinery. But one who trades in machines and equipment

will have to pay zakaat on them because that becomes stock-in-trade.

Zakaat is not payable on fixed property regardless of the value of such property. However income received on that property will be zakaat-taxable if twelve Islamic months have passed on such money.

Females who operate businesses from their homes, like selling clothing, tupperwares, cosmetics, etc., must also pay zakaat on their stock if these items remain with them for one Islamic year. However, if items are sold out completely before the end of the Islamic year, then zakaat falls away.

FEEDING THE POOR

During Ramadaan many Islamic organisations operate feeding schemes for the poor and provide meals for iftaar. Masha Allah, this is a most laudable and commendable effort. The Quran and Hadith promises great rewards for feeding the poor. May Allah Ta'ala accept the efforts of the individuals and organisations involved in this noble work.

In this regard one important mas'ala or Shar'ee ruling pertaining to zakaat needs to be highlighted. For zakaat to be discharged it is necessary that the poor recipient be made the complete owner of that zakaat. This means that the zakaat, whether in the form of cash or food, must be placed into the possession of the recipient.

If organizations use zakaat money to purchase and cook the food, then it is necessary that the food be given to each poor person individually. This means that people will come with their containers, collect the food and take it home to eat. If this is done, the zakaat will be discharged for then the condition of tamleek or vesting

FEEDING THE POOR FROM ZAKAAT

ownership would have been found. But if such zakaat-sponsored food is served at a venue to which the poor have been invited, and they will eat and then disperse, the zakaat will not be discharged. The reason for this is that no one has been made the owner of the food; instead, people have been allowed to eat of the food. But none of the attendants actually takes possession of anything. Therefore, if this type of feeding scheme is operated, lillah funds should be used to sponsor the cooking instead of zakaat.

The same applies to providing meals at the time of iftaar. All food is placed on the table-cloth iftaar time, while people sit around and eat. The food is not being given to poor. For such iftaar meals, zakaat may not be used. At certain venues there may be people in the gathering who are not eligible for zakaat. This is another factor that may render the zakaat undischarged.

If food is sent to distribution points and the poor in the area are asked to come and collect the food in their own containers, then such food may be sponsored with zakaat funds, for it is evident that the poor will own the food after collecting it at the distribution point.

Another point to watch out for is the distribution of zakaat sponsored food to non-Muslims. This is not permissible and zakaat will not be discharged if this happens. Zakaat may not be given to non-Muslims. If any individual or organization wishes to feed non-Muslims, then they should use sadqah money for that purpose. It is permissible, in fact, encouraged to give nafl or optional charity to poor non-Muslims. ♦

FACTORS THAT DO NOT BREAK THE FAST

- 1) Applying oil to the head, or applying scent/perfume/itar
- 2) Rubbing oil on any part of the outer body
- 3) Applying surma or kajal to the eyes
- 4) Applying Vicks around the nose or inside the nostrils.
- 5) Using toothpaste or mouthwash (but to do so while fasting is makrooh)
- 6) Having a blood test; donating blood; Cupping. NOTE: If any of these actions cause weakness to the body while fasting, then it is makrooh to have it done while fasting.
- 7) Smelling a strong fragrance, ointment, oil, or medication.
- 8) Using the Vicks inhaler
- 9) Using a humidifier in the room where one is sleeping
- 10) Accidental inhaling of smoke
- 11) Showering/bathing
- 12) Swimming; but if water enters the mouth, the fast will break.
- 13) Extracting tooth or having other dental procedures. However, if during these procedures blood or water enters the mouth then the fast breaks
- 14) Nose-bleeding.
- 15) Istihaadha of a female.
- 16) Tasting a substance or food, on condition that no particle is swallowed.
- 17) Applying medication or pouring oil into the ears.
- 18) Applying eye drops or any medication to the eyes.
- 19) Vomit that comes out involuntary, even if it be a mouthful.
- 20) Swallowing saliva or mucus that is coughed up or that is sniffed from the nose into the throat.
- 21) Injections and intravenous drip.
- 22) Applying an oxygen mask to the face
- 23) Undergoing dialysis treatment. But any medication taken orally before or after dialysis will break the fast.
- 24) Applying medication or ointment around the entrance of the anus or on the anus itself.
- 25) Applying medication or ointment around the entrance of the vagina or on the outer lips of the vagina.
- 26) Applying lipstick or makeup on the face, on condition that particles of lip-stick are not swallowed.
- 27) Applying Vaseline or Lipice onto the lips

ALL THE ABOVE THINGS DO NOT NULLIFY THE FAST

quired from our side is a little bit of sacrifice. We, therefore, need to give ourselves a chance to imbibe the spiritual blessings of this month by making that extra bit of sacrifice.

Those who were in the habit of watching television must be prepared to give up this past-time at least in The Month of Ramadaan. Some of us might cut down on the films and other programs, but just cannot resist the temptation to watch TV sport. The moments of this Blessed Month are too precious to while away in such futility. This is the sacrifice we have to undergo in this month. These sacrifices will soon yield tremendous results.

If a Muslim is not capable of shunning sin in Ramadaan, when will he or she ever do it? At the very least, if unable to do good in Ramadaan, don't do bad! Every night of Ramadaan, from sunset to dawn, an angel announces: "O Seeker of Good! Come forward! Or Seeker of Evil: Get Back!" This Divine call urges the Muslim to seek good in this month and to desist from evil. ♦

RECITATION OF QURAN

Ramadaan is the month of Quran. All Muslims should endeavour to recite as much Quran as possible in this month. Muslims are required to learn the correct recitation of this Lofty and Weight Word of Allah, from pronunciation to tajweed and fluency, regardless of age and sex. There is no excuse for one who is healthy and able, not to learn the correct recitation of the Holy Quran. ♦



ACTIVITIES OF THE DARUL-ULOOM

Through the Grace and Mercy of Allah, Darul-Uloom Abubakr is into its 14th year of operation. The Darul-Uloom provides full time Hifz and Aalim course studies, up to the end of the Aalim course. . It provides boarding and lodging for local students as well as learners from abroad and other towns in South Africa.

REPRESENTATION AT THE TURKEY CONFERENCE

Recently, Moulana Muhammed Ali Desai, a full time teacher at the institute, represented the Darul-Uloom at a hadeeth conference in Istanbul Turkey. The theme of this conference was the service to hadeeth rendered by arguably the greatest Scholar on hadeeth in today's times, Shaikh Muhammad Awaama, who currently resides in Turkey. At this conference Moulana Muhammed Ali met and interacted with leading Scholars on Hadeeth from Turkey, Egypt, Qatar, India, and Bangladesh. There was much insight into the lives and works of these Ulema. We hope to continue such interaction between our Ulema and the senior Ulema abroad.

The Darul-Uloom conducts regular Da'wah programs in the outlying towns of the Eastern Cape. Our students and teachers are sent to give lectures in these areas, meet with the local Muslims there, and interact with the Imams and community leaders. We also provide assistance to these areas in setting up madresas, maktabas, distribution of Islamic literature, and establishing masajid where needed

We print a variety of Islamic literature and madresa text books that are distributed to maktabas in the Eastern Cape, as well as to prisons nationally.

Part of our syllabus is a students training program where students are groomed in lecturing, imaamat, khutba, solemnising of marriages, teaching, and doing research in various academic fields.

An appeal is made for contributions to the above Deeni activities. Your donation will be a sadaqah jaariya, for it enables the spread of Deen and propagation of thereof.

OUR BANKING DETAILS

Account Name: Malabar Educational Trust
Bank: FNB — Account Number: 534 200 84 386
Branch Code: 210 517

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